



FILED
OFFICE OF THE CITY CLERK
OAKLAND

2013 OCT 31 PM 3:47 **AGENDA REPORT**

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Fred Blackwell

SUBJECT: Army Base Public Infrastructure Project
Utility Easements

DATE: October 17, 2013

City Administrator *Deanna Santana* Date *10-30-13*
Approval *Fred Blackwell*

COUNCIL DISTRICT: 3

RECOMMENDATION

Staff recommends that the City Council adopt:

An Ordinance Authorizing the City Administrator to Negotiate and Execute Temporary Easements with Pacific Bell Telephone Company, a California Corporation, dba AT&T California ("AT&T"), for Temporary Relocation of Telecommunication Lines and Any Associated or Related Equipment or Facilities to Facilitate the Public Infrastructure Project on the Former Oakland Army Base; and

An Ordinance Authorizing the City Administrator to Negotiate and Execute Easements with Pacific Gas and Electric Company, a California Corporation ("PG&E"), for Installation, Maintenance, and Operation of A High Pressure Gas Line, Gas Regulator Stations, and Any Associated or Related Equipment or Facilities, to Facilitate the Public Infrastructure Project on the Former Oakland Army Base; and

An Ordinance Authorizing the City Administrator to Negotiate and Execute Easements with Pacific Gas and Electric Company, a California Corporation ("PG&E"), for Installation, Maintenance, and Operation of Transmission Gas Lines, Distribution Gas Lines, and Any Associated or Related Equipment or Facilities, to Facilitate the Public Infrastructure Project on the Former Oakland Army Base.

Item: _____
CED Committee
November 12, 2013

OUTCOME

Adoption of these ordinances will result in the City negotiating, executing and issuing easements in favor of AT&T and PG&E required to support the installation and operations of public infrastructure and utilities necessary to serve development and operations of the Gateway Industrial Park at former Oakland Army Base.

BACKGROUND/LEGISLATIVE HISTORY

On January 31, 2012, the Army Base properties (Gateway Industrial Park Area properties), except for Parcel E, were transferred to the City by the Redevelopment Agency. On August 30, 2013, Parcel E was transferred to the City. On October 23, 2012, the City entered into a Lease Disposition and Development Agreement (LDDA) with the Prologis CCIG Oakland Global for the development of a trade and logistics center on approximately 130 acres of the Gateway Industrial Park Area at the former Oakland Army Base.

ANALYSIS

The City and State have entered into a \$176.3 million Grant Agreement for the construction of new public backbone infrastructure improvements and site preparation for the development of the logistics warehousing, ancillary maritime support services trucking operations and recycling facilities.

Construction of the new improvements require displacement of the existing AT&T telecommunications lines into temporary easements during construction of new improvements. The new improvements will include permanent easements for new telecommunications lines, equipment and facilities within the new right-of-way.

PG&E has an existing transmission gas line running within portions of Burma Road and Maritime Street at the Gateway Industrial Park Area. The Army Base Public Infrastructure Project and construction of new streets and realignment of portions of the Burma Road require the construction and installation of a new high pressure gas line within the new Burma Road right-of-way and a new transmission gas line and gas regulator station on City property. PG&E is agreeing to construct and install the new high pressure gas line within the new Burma Road right-of-way at PG&E's cost and to relocate the existing transmission gas line to City property. The City will issue a permanent easement to PG&E upon completion of the project for a transmission gas line, high pressure gas line and any associated or related equipment or facilities.

As part of completing the new streets and public improvements, trunk-line distribution gas lines, equipment and facilities will be constructed in the new streets and right-of-way. The City will issue easements to PG&E upon completion of the project for trunk-line distribution lines,

equipment, facilities or any associated or related equipment or facilities within the streets and right-of-way. Additionally, at multiple points in the future, the City will issue easements to PG&E to allow connections from the trunk-line distribution gas lines in the street and right-of-way to development parcels within the Gateway Industrial Park Area.

PUBLIC OUTREACH/INTEREST

This item did not require any additional public outreach other than the required posting on the City's website.

COORDINATION

These requested recommendations have been coordinated with Department of Planning and Building, Public Works Agency, and the City Attorney's Office, and reviewed by the Budget Office.

COST SUMMARY/IMPLICATIONS

There is no fiscal impact to the City from this proposed action.

FISCAL/POLICY ALIGNMENT

The proposed action is consistent with City of Oakland Public Infrastructure construction projects. The contemplated easements provide utility companies the ability to provide utility services to the project area and future development.

SUSTAINABLE OPPORTUNITIES

Economic: This proposed action is subject to the Army Base Community Benefits Agreements and Programs that will provide contracting, employment and other community benefits to Oakland and its citizens.

Environmental: This proposed action is subject to the Army Base Community Benefits Agreements and Programs that will provide contracting, employment and other community benefits to Oakland and its citizens.

Social Equity: This proposed action is subject to the Army Base Community Benefits Agreements and Programs that will provide contracting, employment and other community benefits to Oakland and its citizens.

For questions regarding this report, please contact John Monetta, Program Manager I, at (510) 238-7125.

Respectfully submitted,



Fred Blackwell
Assistant City Administrator

Reviewed by:
Doug Cole, Project Manager III
Office of Neighborhood Investment

Prepared by:
John Monetta, Project Manager I
Office of Neighborhood Investment

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APPROVED AS TO FORM AND LEGALITY

Colena Chen
OFFICE OF THE CITY ATTORNEY

ORDINANCE NO. _____ C.M.S.

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE TEMPORARY EASEMENTS WITH PACIFIC BELL TELEPHONE COMPANY, A CALIFORNIA CORPORATION, DBA AT&T CALIFORNIA ("AT&T"), FOR TEMPORARY RELOCATION OF TELECOMMUNICATION LINES AND ANY ASSOCIATED OR RELATED EQUIPMENT OR FACILITIES TO FACILITATE THE PUBLIC INFRASTRUCTURE PROJECT ON THE FORMER OAKLAND ARMY BASE

WHEREAS, the City of Oakland ("City") owns certain property located at the Gateway Industrial Park Area (formerly Oakland Army Base) as identified on Parcel Map No. 10095 recorded August 13, 2013 in the official records of the Alameda County Recorder's Office as document 2013-277934; and

WHEREAS, the City, California Capital and Investment Group and Turner Top Grade Flatiron are entering into a \$247 million Public Infrastructure Project to construct new streets, utilities, rail lines and equipment and development ground pads at the Gateway Industrial Park Area; and

WHEREAS, the City desires to execute and issue easements in favor of Pacific Bell Telephone Company, a California corporation, dba AT&T California ("AT&T"), to facilitate the Public Infrastructure Project and construction and operation of utility systems at the Gateway Industrial Park Area; now therefore,

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Ordinance.

Section 2. The City Council hereby authorizes the City Administrator or her designee, without returning to City Council, to negotiate and execute temporary easements in favor of AT&T during the Public Infrastructure Project construction for temporary relocation of telecommunication lines and any associated or related equipment or facilities to facilitate the Public Infrastructure Project on the former Oakland Army Base.

Section 3. This action (1) implements actions previously approved by the Oakland City Council; (2) is within the scope of the already approved 2012 Army Base Project; (3) the 2012 Army Base project Initial Study/Addendum adequately describes the current action for purposes of CEQA; and (4) no further CEQA review is required pursuant to CEQA Guidelines 15164.

Section 4. The City Administrator or her designee is hereby authorized to negotiate and execute all agreements and to take whatever other action is necessary with respect to the Public Infrastructure Project utility easements in favor of AT&T consistent with this Ordinance and its basic purposes.

Section 5. The City Attorney shall review and approve all documents and agreements related to the easements as to form and legality, and a copy shall be placed on file with the City Clerk.

Section 6. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

Section 7. This Ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, GALLO, GIBSON McELHANEY, KALB, KAPLAN, REID, SCHAAF, AND PRESIDENT KERNIGHAN

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

DATE OF ATTESTATION: _____

NOTICE AND DIGEST

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE TEMPORARY EASEMENTS WITH PACIFIC BELL TELEPHONE COMPANY, A CALIFORNIA CORPORATION, DBA AT&T CALIFORNIA ("AT&T"), FOR TEMPORARY RELOCATION OF TELECOMMUNICATION LINES AND ANY ASSOCIATED OR RELATED EQUIPMENT OR FACILITIES TO FACILITATE THE PUBLIC INFRASTRUCTURE PROJECT ON THE FORMER OAKLAND ARMY BASE

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